

HOUSE BILL 194

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By: **Delegates McConkey, Braveboy, Cullison, Elliott, Fisher, Frank, Glass, Hubbard, Kipke, Krebs, McComas, A. Miller, Nathan-Pulliam, Pena-Melnyk, Ready, Stukes, and V. Turner**

Introduced and read first time: January 25, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Traumatic Brain Injury Trust Fund**

3 FOR the purpose of establishing the State Traumatic Brain Injury Trust Fund as a
4 special fund to be used to support certain services for certain individuals with
5 traumatic brain injuries; requiring the Director of the Developmental
6 Disabilities Administration or the Director's designee to administer the Fund;
7 requiring the Director or the Director's designee to report to the Governor and
8 the General Assembly on or before a certain date each year; establishing
9 eligibility for individuals to receive assistance from the Fund; defining certain
10 terms; and generally relating to the establishment of the State Traumatic Brain
11 Injury Trust Fund.

12 BY adding to

13 Article – Health – General

14 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle
15 21A. State Traumatic Brain Injury Trust Fund”

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 **SUBTITLE 21A. STATE TRAUMATIC BRAIN INJURY TRUST FUND.**

22 **13–21A–01.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(B) “DIRECTOR” MEANS THE DIRECTOR OF THE DEVELOPMENTAL**
4 **DISABILITIES ADMINISTRATION.**

5 **(C) “FUND” MEANS THE STATE TRAUMATIC BRAIN INJURY TRUST**
6 **FUND.**

7 **(D) “TRAUMATIC BRAIN INJURY” HAS THE MEANING ESTABLISHED IN**
8 **THE POLICIES AND PROCEDURES ADOPTED BY THE STATE TRAUMATIC BRAIN**
9 **INJURY ADVISORY BOARD UNDER § 13–2105 OF THIS TITLE.**

10 **13–21A–02.**

11 **(A) THERE IS A STATE TRAUMATIC BRAIN INJURY TRUST FUND.**

12 **(B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION**
13 **OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE**
14 **SUSTAINED TRAUMATIC BRAIN INJURIES:**

15 **(I) MEDICAL SERVICES;**

16 **(II) INDIVIDUAL CASE MANAGEMENT SERVICES;**

17 **(III) REHABILITATION SERVICES;**

18 **(IV) DURABLE MEDICAL EQUIPMENT;**

19 **(V) ASSISTIVE TECHNOLOGY ASSESSMENT AND**
20 **EQUIPMENT;**

21 **(VI) SERVICES TO ASSIST IN A RETURN TO DRIVING AND**
22 **RELATED EVALUATION AND TRAINING;**

23 **(VII) NEUROBEHAVIORAL HEALTH SERVICES;**

24 **(VIII) NEUROPSYCHOLOGICAL EVALUATION;**

25 **(IX) NURSING HOME TRANSITION SERVICES;**

26 **(X) COMMUNITY REENTRY SERVICES;**

1 (XI) EDUCATIONAL NEEDS;

2 (XII) HOUSING AND RESIDENTIAL SERVICES; AND

3 (XIII) TRANSPORTATION SERVICES.

4 (2) THE FUND MAY BE USED TO SUPPORT PREVENTION,
5 EDUCATION, AND AWARENESS PROGRAMS.

6 (C) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL ADMINISTER
7 THE FUND.

8 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
9 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (2) THE STATE TREASURER SHALL HOLD THE FUND
11 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

12 (E) THE FUND CONSISTS OF:

13 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

14 (2) INVESTMENT EARNINGS OF THE FUND; AND

15 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
16 FOR THE BENEFIT OF THE FUND.

17 (F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE
18 PURPOSES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

19 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
20 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

21 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
22 CREDITED TO THE FUND.

23 (H) MONEY EXPENDED FROM THE FUND TO SUPPORT SERVICES TO
24 INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES IS SUPPLEMENTAL TO AND IS
25 NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE
26 APPROPRIATED FOR THOSE SERVICES.

27 (I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DIRECTOR OR
28 THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GOVERNOR AND,

1 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
2 ASSEMBLY ON THE NUMBER OF INDIVIDUALS SERVED AND THE SERVICES
3 PROVIDED IN THE PRECEDING FISCAL YEAR USING THE FUND.

4 13-21A-03.

5 (A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN INDIVIDUAL
6 SHALL:

7 (1) BE A UNITED STATES CITIZEN AND A RESIDENT OF THE
8 STATE AT THE TIME OF THE TRAUMATIC BRAIN INJURY;

9 (2) HAVE A TRAUMATIC BRAIN INJURY THAT HAS BEEN
10 DOCUMENTED IN THE MEDICAL RECORDS OF THE INDIVIDUAL;

11 (3) HAVE INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY
12 LEVEL; AND

13 (4) HAVE EXHAUSTED ALL OTHER HEALTH, REHABILITATION,
14 AND DISABILITY BENEFIT FUNDING SOURCES THAT COVER THE SERVICES
15 PROVIDED BY THE FUND.

16 (B) AN INDIVIDUAL MAY NOT RECEIVE SERVICES FROM THE FUND
17 COSTING MORE THAN:

18 (1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND
19 PROCEDURES ADOPTED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE; AND

20 (2) THE LIFETIME OF THE INDIVIDUAL AMOUNT ESTABLISHED BY
21 POLICIES AND PROCEDURES ADOPTED BY THE DIRECTOR OR THE DIRECTOR'S
22 DESIGNEE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.